

Remarks

I. Status of the Claims

With the previous cancellation of claim 2, claims 1, 3-20 are pending and under examination in this application. Claims 3, 10, 14, 15, 18 and 19 have been amended herewith to further clarify the subject matter being claimed and to comply with a claim construction acceptable in U.S. practice. No new matter or new issue is introduced by the claim amendments. Applicants submit the below remarks, and respectfully request reconsideration and allowance of the pending claims.

II. Specification/Figures

In the specification, paragraph [0010] (page 3, lines 6-10 of the original application) has been amended to comply with the requirements of 37 C.F.R. § 1.121(b)(1)(ii). No new matter has been introduced by this amendment to the paragraph [0010] because the inclusion of "and/or I" is supported by the original claim 3. Accordingly, Applicants respectfully request that objections to the specification be withdrawn.

III. Rejection of Claim 18 under 35 U.S.C. § 101

Claim 18 is rejected under 35 U.S.C. §101 because of the claimed recitation of a use, without setting forth any steps involved in the process, resulting in an improper definition of a process, *i.e.*, resulting in a claim which is not a proper process claim under 35 U.S.C. § 101. Applicants have amended claim 18 to conform with the U.S. practice and respectfully request that this rejection be withdrawn.

IV. Rejection of Claim 3 under 35 U.S.C. § 112, First Paragraph

The Examiner has rejected claim 3 under 35 U.S.C. 112, first paragraph as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had

possession of the claimed invention. Applicants have amended claim 3 to conform with the U.S. practice and the specification and respectfully request that this rejection be withdrawn.

V. Rejection of Claims 15, 18, and 20 under 35 U.S.C. §112, Second Paragraph

The Examiner has rejected claims 15, 18, and 20 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Regarding claims 15 and 20, Applicants have amended claim 15 to include the source of vanadium in the process for preparing a compound of claim 1; therefore, Applicants respectfully request that this rejection be withdrawn. Regarding claim 18, Applicants have amended claim 18 to address this rejection in accordance with the Examiner's suggestion and respectfully request that this rejection be withdrawn.

VI. Rejection of Claims 10-14 under 35 U.S.C. §112, First Paragraph

The Examiner has rejected claims 10-14 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Applicants respectfully maintain that the amendments to claims 10 and 14 address this rejection because these claims now recite thermal treatment in ambient air. Support for these amendments is found throughout the specification, including Examples 1-4 ("air quenching") and Examples 9, 10 and 12 ("dry air").

The process recited in claims 10-14 is different from that of U.S. Patent No. 2,664,401, for at least the reason that the '401 requires thermal treatment in a steam atmosphere, i.e., in ca. 1 atm water vapor (H₂O gas), without distinct presence of oxygen gas or air. The process of claims 10-14 now recites the final thermal treatment is performed in ambient air or dry air. Applicants respectfully request that this rejection be withdrawn.

VII. Objection to Claim 19 under 37 C.F.R. §1.75

The Examiner has objected to claim 19 under 37 C.F.R. 1.75 as being a substantial duplicate of claim 16. The amendment to claim 19 addresses this rejection. Accordingly, Applicants respectfully request that the objection to claim 19 be withdrawn.

VIII. Conclusion

The foregoing is submitted as a full and complete response to the Final Office Action mailed June 19, 2007.

Please charge any additional fees, or credit any overpayment, to Deposit Account 19-5029 (Ref.: 18744-0028). If there are any issues that can be resolved by a telephone conference or an Examiner's amendment, the Examiner is invited to call the undersigned attorney at (404) 853-8072.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David E. Wigley", with a stylized flourish at the end.

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